



U.S. DEPARTMENT OF LABOR  
U.S. DEPARTMENT OF EDUCATION



March 24, 2000

Dear Colleague:

Since the passage of the Workforce Investment Act of 1998 (WIA) which in title IV includes the Rehabilitation Act Amendments of 1998, the Departments of Labor (DOL) and Education (ED); and other Federal agencies have engaged in ongoing discussions to facilitate the creation of a One-Stop service delivery system that will make it easier for individuals to access the education, training, and information resources that they need to achieve their employment goals. Several such discussions have been held between the Assistant Secretary of the Office of Special Education and Rehabilitative Services, the Assistant Secretary of the Employment and Training Administration (ETA) and the Commissioner of the Rehabilitation Services Administration (RSA). In addition, DOL and ED staff responsible for developing State plans, regulations, performance measures, and policy guidance have been working in a collaborative manner to support the smooth implementation of WIA.

One outcome of these efforts has been the achievement of a consensus understanding regarding representation of the vocational rehabilitation (VR) program on the State Workforce Investment Board (State Board) and, as appropriate, an alternative entity to the State Board. ED and DOL staff will be working to develop regulatory and State plan guidance language that reflects this agreement.

**State Workforce Investment Board**

For State VR agencies, including State VR agencies that serve individuals with visual disabilities, that are independent boards, commissions, or agencies primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities (consistent with section 101(a)(2)(B)(i) of the Rehabilitation Act of 1973, as amended), such stand-alone VR agencies, including the Blind agencies, must be on the State Board consistent with the provisions of section 111(b)(1)(C)(vi)(I) and (2) of WIA. In such cases, it would not be appropriate for an individual to represent both agencies.

For the remaining VR agencies that have a designated State unit (DSU) pursuant to section 101(a)(2)(B)(ii) of the Rehabilitation Act, the State has the flexibility to identify either a designated State agency or a DSU representative on the State Board. If the VR representative on the State Board is not the DSU, we anticipate that the Interim Final Regulations implementing title I of WIA will be revised to provide the DSU special status by requiring such States to explain in their State plans how the VR representative on the State Board will effectively represent the interests, needs, and priorities of the VR program and how the employment needs of individuals with disabilities in the State will be addressed.

Alternative Entity to a State Workforce Investment Board

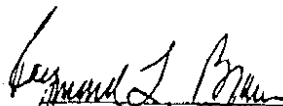
If, however, the State elects to use an alternative entity that does not provide for representative membership for the VR program, section 661.210 of the Interim Final Regulations requires the State to explain in its State plan the manner in which the State will ensure an ongoing role for the VR program in the workforce investment system. For a stand-alone VR agency meeting the requirements of section 101(a)(2)(B)(i) of the Rehabilitation Act, the alternative entity would need to ensure an ongoing role for the independent VR agency. If, however, the VR agency includes a DSU under section 101(a)(2)(B)(ii), then the alternative entity to the State Board would be required to ensure an ongoing role either for the designated VR agency or the DSU, but we encourage an ongoing role for both.


ETA and RSA staff in their review of State plans submitted under section 112 or Unified Plans under section 501 of WIA are to take into consideration these policies in their assessment of the nature of the representation of the VR program on a newly constituted State Board (pursuant to section 111(b) of WIA) or in relation to an alternative entity to the State Board (pursuant to section 111(e) of WIA). We anticipate State plan policy guidance issued by DOL that will highlight the emphasis that alternative boards are to place on the role of the VR program.

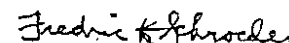
We trust that this agreement between ED and DOL will assist in developing inclusive and effective State Boards and will ensure that each State Board or alternative entity effectively represents the interests, needs, and priorities of the VR program and individuals with disabilities in the State.

If you have any questions about the policies discussed in this memorandum, please contact Ms. Maria Kniesler, Division Chief, One Stop Operations, Office of Workforce Security, Employment and Training Administration, U.S. Department of Labor at 202.219.8395, or Mr. Charles Sadler, VR Program Specialist, Basic State Grants Branch, Rehabilitation Services Administration, U.S. Department of Education at 202.205.9286.

Sincerely,

  
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